

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 598

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

REQUIRING THE REGULATION AND LICENSING DEPARTMENT AND THE  
LEGISLATIVE FINANCE COMMITTEE TO REVIEW AND EVALUATE THE  
LICENSURE OF RESIDENTIAL CARE ADMINISTRATORS IN ACCORDANCE WITH  
THE SUNRISE ACT; MAKING AN APPROPRIATION; DECLARING AN  
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. TEMPORARY PROVISION--FINDINGS AND PURPOSE. --

A. The legislature finds that the unregulated  
practice of residential care administrators has resulted in  
many instances of actual harm to residents of residential care  
facilities.

B. The legislature further finds that the existing  
rules governing the operation of approximately four hundred  
residential care facilities in New Mexico do not adequately

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underscored material = new  
[bracketed material] = delete

1 address the qualifications and practice of the administrators  
2 of these facilities and that there are currently no mechanisms  
3 to report or discipline individual administrators for  
4 inappropriate or unethical practice.

5 C. The legislature further finds that the public  
6 should reasonably expect professional competence from the  
7 administrators of residential care facilities.

8 D. The legislature further finds that residential  
9 care administrators may be distinguished as a profession and  
10 must demonstrate relevant knowledge, skills and abilities prior  
11 to providing care to residents.

12 E. The purpose of this act is to:

13 (1) require the department to review and  
14 evaluate the proposed licensure of residential care  
15 administrators and provide a report to the legislative finance  
16 committee; and

17 (2) develop proposed legislation to create a  
18 new board, if recommended by the legislative finance committee,  
19 to license residential care administrators pursuant to the  
20 Sunrise Act.

21 F. The department shall review and evaluate the  
22 proposed licensure of residential care administrators in  
23 accordance with the Sunrise Act and submit a findings and  
24 recommendations report to the legislative finance committee by  
25 September 1, 2003 for the committee's consideration and

1 recommendation.

2 G. If approved by the legislative finance  
3 committee, the department shall proceed with the development of  
4 proposed legislation to create a new licensing board and  
5 implement the licensure of residential care administrators by  
6 July 1, 2004.

7 H. As used in this section:

8 (1) "department" means the regulation and  
9 licensing department; and

10 (2) "residential care facility" means a  
11 licensed congregate residence, maternity shelter or other  
12 shelter for adults whose primary purpose is to provide to the  
13 residents within the facility, either directly or through  
14 contract services in accordance with the program narrative,  
15 program services, room, board, assistance with the activities  
16 of daily living or general supervision to two or more adults  
17 who have difficulty living independently or managing their own  
18 affairs; provided that this definition shall not apply to  
19 residences with four or fewer individuals providing needed  
20 habilitation and program services to developmentally disabled  
21 residents.

22 Section 2. APPROPRIATION. -- Fifty thousand dollars  
23 (\$50,000) is appropriated from the general fund to the  
24 regulation and licensing department for expenditure in fiscal  
25 years 2003 and 2004 to study the duties and responsibilities of

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1 administrators of residential care facilities, review and  
2 evaluate the proposed creation of a new board to license  
3 residential care administrators and develop proposed  
4 legislation and rules to create a new licensing board to govern  
5 the licensure of residential care administrators. Any  
6 unexpended or unencumbered balance remaining at the end of  
7 fiscal year 2004 shall revert to the general fund.

8 Section 3. EMERGENCY.--It is necessary for the public  
9 peace, health and safety that this act take effect immediately.